

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 253 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SUNDARAM FINANCE LTD

Versus

REGIONAL TRANSPORT OFFICER

Appearance:

MR BR GUPTA for Petitioner

MR GB GHARANIA, AGP for Respondent No. 1

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 17/08/98

ORAL JUDGEMENT

Rule. Service of rule waived by Mr. G.B. Gharania, Ld. A.G.P. for the respondents.

2. The petitioner has made grievance about non-issuance of fresh registration certificate in the name of the petitioner with regard to the vehicle Tata Lorry No. GJ-1-Y-4201. The final objection from the respondent was with regard to some criminal proceedings alleged to have been filed by the hire purchaser (registered owner) in respect of the vehicle in question.

Mr. B.R. Gupta, learned advocate appearing for the petitioner also submits that now the hire-purchaser has no objection for the transfer of the ownership of the vehicle in favour of the petitioner M/s. Sundaram Finance Limited. In view of such a development in this matter following direction is required to be issued :-

The respondent will verify the fact that the criminal proceedings in question have been initiated by the hire purchaser, who is also stated to be the registered owner and decide the matter afresh with regard to transfer of registration in favour of the petitioner. Such decision shall be taken within a period of 4 weeks from today. The respondent will consider the no objection communication/letter issued by the hire-purchaser for issuance of fresh registration certificate before taking such decision.

It will be open to the petitioner to produce the no-objection communication/letter issued by the hire purchaser (owner) before the respondent authority.

In view of the aforesaid direction, Mr. Gupta, learned advocate appearing for the petitioner does not press this petition. Rule is discharged accordingly with no order as to cost.

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PVR sca25398j.